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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,215	02/19/2004	James A. McClain	030900	5338
41835 75	90 01/27/2006		EXAMINER	
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP HENRY W. OLIVER BUILDING 535 SMITHFIELD STREET PITTSBURGH, PA 15222			WARD, PAUL V	
			ART UNIT	PAPER NUMBER
			1624	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination				
	10/782,215		MCCLAIN, JAMES A.				
	Cecilia Tsang		Art Unit	i			
Document Code - AP.PRE.DEC							
Notice of Panel Decision from Pre-Appeal Brief Review							
This is in response to the Pre-Appeal Brief Request for Review filed <u>12/13/05</u> .							
1. Improper Request – The Request is improper and a conference will not be held for the following reason(s):							
<ul> <li>☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.</li> <li>☐ The request does not include reasons why a review is appropriate.</li> <li>☐ A proposed amendment is included with the Pre-Appeal Brief request.</li> <li>☐ Other: .</li> </ul>							
The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.							
2. Proceed to Board of Patent A held. The application remains under is required to submit an appeal brief brief will be reset to be one month from the receipt of the notice appeal brief is extendible under 37 of the notice of appeal, as applicable	appeal because in accordance vom mailing this of appeal, which is 1.136 base	e there is at leas with 37 CFR 41. decision, or the chever is greate	st one actual issue for 37. The time period f balance of the two-m r. Further, the time p	r appeal. Applicant for filing an appeal nonth time period eriod for filing of the			
<ul> <li>☑ The panel has determined Claim(s) allowed:</li> <li>Claim(s) objected to:</li> <li>Claim(s) rejected: 1-27.</li> <li>Claim(s) withdrawn from considerations.</li> </ul>			ollows:				

All participants:

(1) Cecilia Tsang.

applicant at this time.

3. Allowable application - A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by

4. Reopen Prosecution - A conference has been held. The rejection is withdrawn and a new Office

action will be mailed. No further action is required by applicant at this time.